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6.9 EXCISE

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APRIL 17 1980

Dear Mr. Chairman:

Thank you for your letter of April 3 concerning the operation of Spandau Prison in Berlin. I appreciate your having included a copy of the article which appeared in the Milwaukee Journal about it, and for sharing with us a copy of your April 1 letter to [redacted]

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Your understanding of the current status of the prison, and of the Western Allies' position on the release of the sole remaining prisoner, Rudolf Hess, is quite correct. The prison was established jointly by the Four Powers to oversee the carrying out of the sentences imposed by the International Military Tribunal at Nuernberg. Our position in Berlin is predicated on a number of war time and post-war agreements among the four powers, agreements we insist may not be changed except by unanimous consent among the four. As much as we would like to see Rudolf Hess released for humanitarian reasons, and the financial burden of operating Spandau Prison eliminated, we do not wish to provide the Soviets any precedent for unilateral moves of their own against the freedom of the city or its ties to the West. We fear they might regard it as just such a precedent if we attempted to make a change at Spandau to which they had not consented.

The cost of operating the prison is high, and a cost we would be pleased to see eliminated. I do have to point out, however, that the burden falls not on American taxpayers, but on the Germans. The entire operating budget of the prison is covered by reimbursements from the Berlin Occupation Cost Budget, which is in turn paid for by the taxpayers of the Federal Republic of Germany. While there are U. S. soldiers who provide the external guard for the prison one month out of four, they would be stationed in Berlin anyway in connection with the occupation of the city and their salaries would be paid irrespective of their Spandau guard duties. Those salaries do not represent a cost to the American taxpayer for the operation of the prison.

The Honorable
Clement J. Zablocki,
Chairman,
Committee on Foreign Affairs,
House of Representatives.

DEPARTMENT OF STATE A/CDC/MR
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On the question of the continued imprisonment of Rudolf Hess, we, the British and the French have sought his release on humanitarian grounds for many years. We have not thus far been able to persuade the Soviets to our shared view that Hess' age and the length of time he has been imprisoned should be considered and that he ought to be released to spend his remaining years with his family. Together with the French and the British, we will continue to seek Hess' release on humanitarian grounds.

I appreciate your interest in this question, and trust that this information will assist you in replying further to [redacted]

B6

Sincerely,

J. Brian Atwood
Assistant Secretary
for Congressional Relations

Enclosure:

Correspondence returned.

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